



Practitioner's Docket No. 65476-5003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Alan Backus et al.

Application No.: 10/039,395                          Group No.: 1761  
Filed: 11/07/2001                                  Examiner: Becker, Drew  
For: SIMPLIFIED DEVICE TO QUICKLY COOK FOOD

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

01/30/2006 HDMESS2 00000004 100440 10039395  
02 FC:1453 1500.00 DA

RENEWED PETITION UNDER 37 CFR 1.137(b)

Applicant filed a Petition to Revive Patent Application – Failure to Pay Issue Fee Unintentional (37 C.F.R. §§ 1.137(b) AND 1.316) on June 6, 2005. In a communication from the PTO dated August 24, 2005, the Petition was dismissed for failure to submit corrected formal drawings. The drawings, along with an Issue Fee Transmittal Form (PTOL-85b), copy of the original Petition as filed, copy of the Dismissal and a three(3) month petition for extension of time under 37 CFR 1.136(a) are submitted herewith.

1. Accordingly, Applicant hereby petitions for the revival of this application.

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

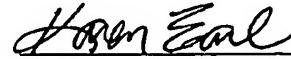
deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)  
 with sufficient postage as first class mail.

37 C.F.R. § 1.10\*  
 as "Express Mail Post Office to Addressee"  
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TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

  
Signature

Date: January 23, 2006

Karen Earl  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(j). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

65476-5003 - Renewed Petition to Revive Patent Application–Failure to Pay Issue Fee Unintentional–page 1 of 3

Adjustment date: 02/15/2006 CKHLOK  
01/30/2006 HDMESS2 00000004 100440 10039395  
02 FC:1453 1500.00 CR

**2. Nature of the Abandonment**

In a communication from the PTO it was noted that this application is abandoned for failure to pay the issue fee within the 3 month period from the date of the notice of allowance required by 37 C.F.R. § 1.316.

**3. Date of Filing of This Petition After Abandonment**

This petition is being filed on January 23, 2006.

**4. The delay in payment of the issue fee was unintentional. The entire delay from the due date in paying the required issue fees until the filing of this petition was unintentional. 37 C.F.R. § 1.137(b)(3).**

**5. Payment of the issue fee 37 C.F.R. § 1.137(b)(1):**

Payment of the issue fee was submitted with the original Petition (copy of which is attached hereto).

Regular Patent Issue Fee	\$1,400.00
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**6. Petition fee (35 U.S.C. § 41(a)(7) and 37 C.F.R. § 1.17(m)) was submitted with the original Petition (copy of which is attached hereto).**

Application status is:

Other than small entity--fee	\$1,500.00	
Petition Fee		\$1,500.00
Total issue and petition fee to be paid		\$2,900.00

**7. Payment of total fee:**

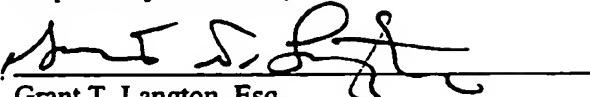
Payment was submitted with the original Petition (copy of which is attached hereto).

Please charge our Deposit Account No. 10-0440 for any additional fees necessary for this matter.

8. Terminal Disclaimer

This utility/plant application was filed on or after June 8, 1995 and no terminal disclaimer is required.

Respectfully submitted,



Date: January 23, 2006

Grant T. Langton, Esq.  
Registration No. 39,739  
Jeffer, Mangels, Butler & Marmaro LLP  
1900 Avenue of the Stars  
Seventh Floor  
Los Angeles, CA 90067  
US  
310-203-8080  
Customer No. 24,574

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
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**Alexandria, Virginia 22313-1450**  
**or Fax** (571) 273-2885

D A 8/

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Grant T. Langton  
 Jeffer, Mangels, Butler & Marmaro LLP  
 1900 Avenue of the Stars, Seventh Floor  
 Los Angeles, CA 90067



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Karen Earl	(Depositor's name)
<i>Karen Earl</i>	(Signature)
January 23, 2006	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/039,395	November 7, 2001	Alan Backus	65473-5003	
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TITLE OF INVENTION:

SIMPLIFIED DEVICE TO QUICKLY COOK FOOD

01/30/2006 HDEMESS2 00000004 100440	10039395
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APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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Utility	NO			\$ 0.00	07/20/04
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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Becker, Drew	1761
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1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363): <input checked="" type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. <input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.	1 Jeffer, Mangels, Butler & Marmaro LLP 2 _____ 3 _____
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**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Advantage Partners LLC

San Diego, CA

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

**5. Change in Entity Status (from status indicated above)**

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature 

Date 23 January 2006

Typed or printed name Grant T. Langton

Registration No. 39,739

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**UNITED STATES PATENT & TRADEMARK OFFICE**  
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**REQUEST FOR PATENT FEE REFUND**

1 Date of Request: 2-14-06      2 Serial/Patent # 10/039,395

3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
<input type="checkbox"/>	Filing			\$						
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<input checked="" type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:							
<input type="checkbox"/>	Duplicate Payment		9 <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>10</td><td>--</td><td>0</td><td>4</td><td>4</td><td>0</td></tr></table>		10	--	0	4	4	0
10	--	0	4	4	0					
10 REASON:										
<input checked="" type="checkbox"/> Overpayment										
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11 REFUND REQUESTED BY:										
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SIGNATURE: <u>Retta Williams</u>		PHONE: <u>2-3229</u>								
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